

REMARKS

Upon entry of the present amendment, the claims in the application are amended claims 25-27.

Applicant again traverses the 103 rejections.

The OA concedes that Choi does not disclose the needles as being partially coated with a coating.

The OA further concedes that the combination of Choi and Gabrusenok fails to disclose the needles having enlarged head portions lying in a single plane and a flat resilient base member (19).

The undersigned attorney for applicant has tried unsuccessfully to discuss the following with the Examiner by way of a telephone interview, but the Examiner was unavailable to do so.

Very significantly, section 6 of the OA says that the English abstract of the Gabrusenok document clearly recites “The sharp pointed end (2) is covered with a layer (3) of metal which is different from the metal of the rod (1) is made of”

The OA further says this makes it clear that it is only the portion of the needle (the sharp pointed end) that is covered, while the rest of the needle (the rod) is not covered.

This is directly **opposite** of applicant’s invention wherein applicant’s needles are covered with different metal layers, but the pointed end is always free of such covering of different metal layers.

Thus, Gabrusenok teaches away from applicant’s invention.

The claims have been amended to clarify this important distinction.

A reference that teaches away from a claim precludes a finding that the reference renders a claim obvious. See *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1326 [90 USPQ2d 1865] (Fed. Cir. 2009) (“An inference of nonobviousness is especially strong where the prior art's teachings undermine the very reason being proffered as to why a person of ordinary skill would have combined the known elements.”).

Whether or not a reference teaches away from a claimed invention is a question of fact. See *In re Napier*, 55 F.3d 610, 613 [34 USPQ2d 1782] (Fed. Cir. 1995).

In light of the foregoing, applicant respectfully requests reconsideration of the obviousness rejection with a view toward withdrawing same, especially in view of the presently amended claims.

Conclusion

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not convinced that the application is in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for applicant in an attempt to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

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